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FUTUREWEI TECHNOLOGIES, INC.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

16 YIREN HUANG, an individual, and CNEX
Labs, Inc., Delaware corporation,

Case No. 5:18-cv-534

17 Plaintiff,

18 || v.

19 FUTUREWEI TECHNOLOGIES, INC., a
Texas corporation; and DOES 1-10, inclusive.

**DECLARATION OF PAUL C. HASHIM
IN SUPPORT OF DEFENDANT'S
NOTICE OF REMOVAL UNDER 28
U.S.C. §§ 1332(a), 1367, 1441(a) AND
1446**

(Santa Clara Superior Court Case No.
17CV321153)

Complaint Filed: Dec. 28, 2017

DECLARATION OF PAUL C. HASHIM

I, Paul C. Hashim, declare as follows:

1. I am Chief IP Counsel of Futurewei Technologies, Inc. (“Futurewei”). I have worked for Futurewei for nearly nine years. I have been Chief IP Counsel for Futurewei for the past five years. The following facts are true of my own personal knowledge, as to which I could competently testify.

2. I submit this declaration in support of Futurewei's Notice of Removal.

8 3. My responsibilities as Chief IP Counsel include oversight of Futurewei's various
9 intellectual property (IP) functions, such as oversight of in-house counsel in connection with
10 support of various Futurewei client research and development business units, evaluation of
11 external service providers, procedural compliance of internal and external IP law support
12 functions, personnel training, recruiting of attorneys, agents and paralegals, employee
13 performance evaluation and compensation, and accountability for assigned activities over which
14 I have responsibility. I also assist with the development and administration of Futurewei policies
15 and guidelines, including agreements, procedures, and policies associated with protection of
16 Futurewei's trade secret and confidential information. I have knowledge of, and am familiar
17 with, Futurewei's corporate structure and the location of its principal place of business and
18 corporate headquarters.

19 4. Futurewei is incorporated in the State of Texas, with its principal place of
20 business at 5340 Legacy Drive, Suite 175, Plano, Texas, 75024. In particular, the principal place
21 of business for the ownership and management of the intellectual property assets at issue in this
22 dispute is in Plano, Texas. Futurewei is authorized to do business in California.

23 5. Futurewei is a subsidiary of Huawei Technologies, Co., Ltd. ("Huawei"), who is a
24 Chinese corporation with its principal place of business at Huawei Industrial Base, Bantian,
25 Longgang District, Shenzhen, Guangdong, P.R. China 518129.

26 6. Huawei is a multinational networking and telecommunications equipment and
27 services company that develops, manufactures, and sells a diverse range of products that promote
28 interconnectivity, including cellular mobile infrastructure equipment (e.g. base stations), routers,

1 switches, security, and data and cloud storage devices. As a subsidiary of Huawei, Futurewei
 2 conducts research into technologies that can be developed by Huawei into next generation
 3 products for the United States and global marketplace.

4 7. I understand the Complaint in the present action alleges that “Futurewei (R&D)
 5 USA Headquarters” are located at 2220 Central Expressway, Santa Clara, California 95050. This
 6 is not correct. “Futurewei (R&D) USA Headquarters” is not a legal entity of Futurewei, and has
 7 no organizational relevance within Futurewei. Futurewei’s principal place of business is located
 8 in Plano, Texas.

9 8. As a Principal Engineer and a leading architect for Futurewei’s Solid State Drive
 10 storage group, Yiren Huang (“Huang”) directly participated in and assisted in developing
 11 Futurewei and Huawei’s Advanced Computing Network (“ACN”), Solid State Drive (“SSD”),
 12 and Non-Volatile Memory Express (“NVMe”) related technology, and in developing information
 13 necessary for Futurewei to conduct its business in a competitive market place.

14 9. During his employment with Futurewei, Huang was entrusted with and
 15 maintained regular and ongoing access to Futurewei’s and Huawei’s confidential, proprietary,
 16 and trade secret information, which included, but was not limited to, the research and
 17 development of their ACN, SSD, and NVMe related technology. Futurewei values this
 18 information far in excess of \$75,000.

19 10. Futurewei has spent sums far exceeding \$75,000 and many years developing this
 20 confidential, proprietary, and trade secret information that is so vital to its success.

21 11. Futurewei has identified the following patent applications to date that were filed
 22 by Huang after leaving Futurewei (collectively, the “Patent Applications”).

Publication/Patent Number	Priority Date	File Date	Publication Date	Application Number	Assignee
CN105556930	6/26/2013	6/19/2014	5/4/2016	CN2014842920	CNEX Labs, Inc.
TW201524170	6/26/2013	6/26/2014	6/16/2015	TW20140122146	CNEX Labs, Inc.
TWI571087	6/26/2013	6/26/2014	2/11/2017	TW20140122146	CNEX Labs, Inc.

1	Publication/Patent Number	Priority Date	File Date	Publication Date	Application Number	Assignee
2	US20150006663	6/26/2013	2/26/2014	1/1/2015	US14/191335	CNEX Labs, Inc.
3	US20150378605	6/26/2013	9/2/2015	12/31/2015	US14/843884	CNEX Labs, Inc.
4	US20150378606	6/26/2013	9/2/2015	12/31/2015	US14/843891	CNEX Labs, Inc.
5	US20150378640	6/26/2013	9/2/2015	12/31/2015	US14/843892	CNEX Labs, Inc.
6	US20160085718	6/26/2013	11/30/2015	3/24/2016	US14/954691	CNEX Labs, Inc.
7	US20160357698	6/26/2013	8/19/2016	12/8/2016	US15/242299	CNEX Labs, Inc.
8	US9430412	6/26/2013	2/26/2014	8/30/2016	US14/191335	CNEX Labs, Inc.
9	US9785355	6/26/2013	9/2/2015	10/10/2017	US14/843884	CNEX Labs, Inc.
10	US9785356	6/26/2013	9/2/2015	10/10/2017	US14/843891	CNEX Labs, Inc.
11	WO2014209764	6/26/2013	6/19/2014	12/31/2014	WO2014US43279	CNEX Labs, Inc.
12	US20150019797	7/14/2013	6/25/2014	1/15/2015	US14/315172	CNEX Labs, Inc.
13	US20150019798	7/15/2013	7/11/2014	1/15/2015	US14/329578	CNEX Labs, Inc.
14	US9785545	7/15/2013	7/11/2014	10/10/2017	US14/329578	CNEX Labs, Inc.
15	US20150032956	7/29/2013	7/25/2014	1/29/2015	US14/341260	CNEX Labs, Inc.
16	US20150036432	8/5/2013	8/4/2014	2/5/2015	US14/451176	CNEX Labs, Inc.
17	US9275740	8/5/2013	8/4/2014	3/1/2016	US14/451176	CNEX Labs, Inc.
18	US20150058539	8/22/2013	8/22/2014	2/26/2015	US14/466858	CNEX Labs, Inc.
19	US9292434	8/22/2013	8/22/2014	3/22/2016	US14/466858	CNEX Labs, Inc.
20	US20150248331	12/23/2013	7/11/2014	9/3/2015	US14/328770	CNEX Labs, Inc.
21	CN106104491	3/1/2014	2/26/2015	11/9/2016	CN2015811315	CNEX Labs, Inc.
22	TW201602775	3/1/2014	2/26/2015	1/16/2016	TW20150106251	CNEX Labs, Inc.
23	TWI570549	3/1/2014	2/26/2015	2/11/2017	TW20150106251	CNEX Labs, Inc.
24	WO2015134262	3/1/2014	2/26/2015	9/11/2015	WO2015US17698	CNEX Labs, Inc.

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27 12. Futurewei believes each of the Patent Applications constitute a Subject Idea or
28 Invention under the terms of Huang's Employment Agreement with Futurewei which Huang

1 created using Futurewei's confidential, proprietary, and trade secret information. Futurewei
 2 values these Subject Ideas or Inventions, the patents and patent applications, all of which are
 3 based on Futurewei's confidential, proprietary, and trade secret information, far in excess of
 4 \$75,000.

5 13. Futurewei's trade secret and confidential information is of great value to
 6 Futurewei and Huawei, and could give any competitor of Futurewei, including Huang's current
 7 employer—CNEX Labs, Inc.—an unfair competitive advantage. Futurewei and Huawei
 8 routinely protect innovations developed by their respective employees by way of patents, where
 9 appropriate. In this regard, Futurewei in the United States – and Huawei globally – have filed
 10 seventeen patent applications arising from three provisional patent applications originated by Mr.
 11 Huang during the course of his employment at Futurewei. Four patents have issued to date from
 12 these applications. Details of these patent filings are listed below:

U.S. Priority Date	U.S. Provisional Serial No.	Type	Title	Publication No.	Patent No.
Nov. 17, 2011	61/561,160	U.S. Provisional	Method and Apparatus for Scalable Low Latency Solid State Drive Interface	N/A	N/A
		U.S. Non-Provisional	Method and Apparatus for Scalable Low Latency Solid State Drive Interface	20130132643	9,767,058
		U.S. Non-Provisional	Method and Apparatus for Scalable Low Latency Solid State Drive Interface	20130135816	Pending
		U.S. Non-Provisional	Method and Apparatus for Scalable Low Latency Solid State Drive Interface	20170371825	Pending
		PCT	Method and Apparatus for Scalable Low Latency Solid State Drive Interface	WO2013071892	Pending
		China National	Method and Apparatus for Scalable Low Latency Solid State Drive Interface	103907088 A	Pending
		European Regional	Method and Apparatus for Scalable Low Latency Solid State Drive Interface	EP2780791	Pending

1	Aug. 12, 2011	61/523,251	U.S. Provisional	Method and Apparatus for Flexible RAID in SSD	N/A	N/A
2			U.S. Non-Provisional	Method and Apparatus for Flexible RAID in SSD	20130042053	9,424,128
3			U.S. Non-Provisional	Method and Apparatus for Flexible RAID in SSD	20160320991	Pending
4			PCT	Method and Apparatus for Flexible RAID in SSD	WO2013023564	Pending
5			China National	Method and Apparatus for Flexible RAID in SSD	103718162 A	2012 80038141.1
6			European Regional	Method and Apparatus for Flexible RAID in SSD	EP2732373	Pending
7	July 20, 2011	61/509,930	U.S. Provisional	Method and Apparatus for SSD Storage Access	N/A	N/A
8			U.S. Non-Provisional	Method and Apparatus for SSD Storage Access	20130024599	Pending
9			PCT	Method and Apparatus for SSD Storage Access	WO2013012901	Pending
10			China National	Method and Apparatus for SSD Storage Access	103703450 A	2012 80035706.0
11						

17 Each of the foregoing U.S. patent applications was originated and prosecuted by the law firm of
 18 Slater and Matsil, located in Dallas, Texas, based upon numerous telephonic and email
 19 exchanges between Mr. Huang and Slater and Matsil personnel in Texas.

20 14. To date, Futurewei has obtained, but has not been served with process of,
 21 Plaintiffs' Complaint in the above-referenced matter. A true and correct copy of the Complaint
 22 and all other process, pleadings, and orders are collectively attached to Futurewei's Notice of
 23 Removal as Exhibit A.

1 I declare under penalty of perjury under the laws of the United States of America that the
2 foregoing is true and correct and was executed this 24th day of January 2018, at Plano, Texas.

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Paul C. Hashim